



Judicial colloquium on the application of international human rights law at the domestic level

COMMUNIQUÉ

United Nations Office at Vienna
27-29 October
Vienna, Austria

in commemoration of the

20th anniversary of the adoption of the Convention on the Elimination of All Forms of Discrimination against Women

and the

10th anniversary of the Convention on the Rights of the Child.

A judicial colloquium on the application of international human rights law at the domestic level was organized by the UN Division for the Advancement of Women and took place at the United Nations Office in Vienna from 27 to 29 October 1999. The colloquium was held to commemorate the 20th anniversary of the adoption of the Convention on the Elimination of All Forms of Discrimination against Women, and the 10th anniversary of the adoption of the Convention on the Rights of the Child. At the end of the three-day session, the participants adopted the following communiqué:

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Almost 100 judges and magistrates from most legal cultures and traditions met at the United Nations Office in Vienna to consider the application of international human rights law at the national level as a strategy to advance the rights of women and children, particularly girls.

Recalling the Vienna Declaration and Programme of Action adopted at the World Conference on Human Rights in 1993, and the Beijing Declaration and Platform for Action, adopted at the Fourth World Conference on Women in 1995, participants confirmed that the human rights of women and the girl-child are an inalienable, integral and indivisible part of universal human rights and that the

eradication of all forms of discrimination on grounds of sex and gender is a priority objective of the international community.

Participants called on the remaining States which had not ratified the Convention on the Elimination of All Forms of Discrimination against Women to do so as soon as possible so that the goal of universal ratification by the year 2000 could be achieved. They also urged speedy ratification of the optional protocol to the Convention. Participants strongly encouraged the incorporation of universal principles of human rights, elaborated in international human rights treaties, into the national legal system.

Participants recognized that domestic legal provisions were usually gender-neutral and their application could be discriminatory in a non gender-sensitive environment. They drew attention to areas where women and girls are particularly vulnerable, emphasizing the persistence of gender-based violence against women and girls in many settings. They stressed the importance of measures to improve women's and girls' access to justice as well as the importance of the composition of the judiciary reflecting the population it serves. Accordingly, they called for strategies to ensure gender balance in national, regional and international judicial systems.

Participants recognized the universality of human rights - inherent in women and men - and the critical role that an independent judiciary plays in interpreting and applying national laws in a positive manner in the light of human rights principles. They underscored the fact that these human rights principles are applicable in all countries and in all cultural contexts and emphasized that no pretext of culture, custom or religious considerations should be allowed to undermine these principles. They also emphasized the importance of an enlightened and forward-looking interpretation of existing legal texts with a view to achieving equality for women and girls and their enjoyment of human rights without discrimination.

Participants agreed that international human rights principles and the developing jurisprudence within international, regional and national systems enshrine values and principles long recognized as essential to human dignity, well-being and happiness. These international instruments have inspired many of the guarantees of fundamental freedoms and rights in national Constitutions and other legislation. These guarantees and provisions, including those which prohibit discrimination, should be construed generously and purposively.

Participants agreed that it was essential to promote respect for and adherence to international and regional human rights norms, particularly those affecting women and girls. They underscored the compatibility and complementarity of international and regional human rights guarantees and recommended that such guarantees must be considered as intrinsic to domestic law in national courts. Participants recommended that all judicial officers be guided by international human rights instruments, including the Convention on the Elimination of All

Forms of Discrimination against Women (CEDAW) and the Convention on the Rights of the Child (CRC), in the interpretation and application of national constitutions, laws and practices, including customary law.

Participants agreed that all citizens, especially judges and lawyers, must be aware of and responsive to international human rights law. Judges and lawyers have a responsibility to familiarise themselves with the growing international jurisprudence of human rights, especially that on the protection and promotion of the human rights of women and children. Participants underlined that enduring law reform requires concerted and consistent professional legal activity. They called for all judges to engage in an on-going process of comprehensive, indepth and credible judicial education to integrate CEDAW, CRC and other international human rights instruments into domestic law and decision-making to enhance the social, political and economic lives of women and children and to eradicate violence against them. To that end, participants called on Governments to support the judiciary in these efforts, including through the provision of adequate resources.

Participants recommended that educational establishments, especially law schools and continuing legal education bodies include in their curricula education on CEDAW, CRC and other international human rights instruments and their use domestically.

Participants urged the United Nations to explore the creation of an international judicial education centre to assist countries in the design, development and delivery of judicial education programmes on international human rights instruments and jurisprudence, involving NGOs in this process.

Participants recommended the creation of an international resource centre to advise and assist law-makers, judicial officers, prosecutors and lawyers in developing specific practices and processes required to implement and integrate international human rights instruments into their domestic legal systems. This resource centre should assume responsibility for the collection of significant human rights decisions and make them available to judges worldwide through all available means, including the Internet.

The participants committed themselves to advocate the substance of this communiqué at national level and proactively to promote its application.